IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1880 OF 2008

IN

WRIT PETITION NO.928 OF 1989

Shri Vasantrao M. Ghatge, since deceased, by his heirs Shri Mohan Vasant Ghatge and anr. ...Petitioners

v/s

The Director of Resettlement, Government of Maharashtra and ors. ...Respondents

Mr R.G. Ketkar i/b Mr R.M. Pethe for Petitioners.

Mr S.R. Nargolkar, AGP for Respondents.

CORAM : D.K. DESHMUKH AND J.P. DEVADHAR JJ.

DATE : 12TH AUGUST 2008.

P.C. :-

1. There is gross negligence on the part of the petitioners. The petition was filed in the year 1989. Office Objections were taken out, they were not removed for number of years, therefore, the matter was taken up on 18th June 2001. Again, four weeks' time was given to remove Office Objections. The Office Objections were not removed during that period and therefore, the petition came to be dismissed in the month of July 2001. This civil application is preferred for restoration in the year 2008.

2. It is claimed in the civil application that after filing petition, the petitioner was under a bonafide impression that the petition is pending. It is nowhere claimed that after the petition was filed, he was regularly making enquiries in Court. In our opinion, because of the gross negligence and delay, it will not be in the interest of justice to allow the civil application. Civil application is rejected. No order as to costs.

. Parties to act on the copy of this order duly

authenticated by the Sheristedar / Private Secretary of the Court.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.P. DEVADHAR J.)